



HT/GA.1635
#10
M.G.J.
3/26/98

B6/B12 DIV 3

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

In re application of : Charles Weissmann

Serial No. : 08/487,280

Filed : June 7, 1995

For : DNA SEQUENCES, RECOMBINANT DNA MOLECULES
AND PROCESSES FOR PRODUCING HUMAN
INTERFERON-LIKE POLYPEPTIDES

Group Art Unit : 1804

Examiner : James Martinell X

RECEIVED

MAR 24 1998

GROUP 1800

New York, New York
March 16, 1998

Honorable Commissioner of Patents and Trademarks
BOX AF
Washington, D.C. 20231

NOTICE OF APPEAL

Sir:

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed September 15, 1997 in which the rejection of claims 37-55 was made final.

Applicant respectfully requests an oral hearing before the Board of Appeals. The appropriate fee is submitted herewith.

03/23/1998 SCARMICH 00000113 08487280
01 FC119
02 FC121
310.00 (P)
270.00 (P)

The appropriate fee for a ___-month extension of time to respond to the final rejection was timely paid on _____.

03/23/1998 SCARMICH 00000113 08487280
01 FC119
310.00 (P)

No extension of time to respond to the final rejection is required. Applicant responded to the final rejection within two months thereof. Applicant has not as yet received an Advisory Action. Last week Examiner Martinell indicated that he will issue an Advisory Action suspending further prosecution in this case pending an interference. Because applicant has not received the Advisory Action and this is the six-month statutory date, applicant is filing this Notice of Appeal as a precautionary measure.

Address all correspondence to:

James F. Haley, Jr.
Registration No. 27,794
c/o FISH & NEAVE
 1251 Avenue of the Americas
 New York, New York 10020-1104
 Tel.: (212) 596-9000

A check in the amount of [] \$310.00 \$580.00 in payment of the [] appeal fee, appeal and oral hearing fees is enclosed.

The Commissioner is hereby authorized to charge payment of any additional appeal fee, oral hearing fee, or both, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

Please charge [] \$310.00 \$580.00 to Deposit Account No. 06-1075 in payment of the [] appeal fee; appeal and oral hearing fees. A duplicate copy of this Notice of Appeal form is enclosed.

EXTENSION FEE

The following extension fee is applicable to the Notice of Appeal filed herewith; [] \$110.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); \$400.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); \$950.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); \$1,510.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); \$2,060.00 extension fee for response within fifth month pursuant to 37 C.F.R. 1.136(a).

A check in the amount of [] \$110.00; \$400.00; \$950.00; \$1,510.00; \$2,060.00; in payment of the extension fee is transmitted herewith.

The Commissioner is hereby authorized to charge payment of any additional fee required under 37 C.F.R. § 1.17, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

[] Please charge the [] \$110.00; [] \$400.00; [] \$950.00; [] \$1,510.00; [] \$2,060.00; extension fee to Deposit Account No. 06-1075. A duplicate copy of this Notice of Appeal form is enclosed.

Respectfully submitted,

Jenile Weissman

James F. Haley, Jr. (Reg. No. 27,794)
Jennifer T. Weissman (Reg. No. 40,868)
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I hereby certify that this
correspondence is being
deposited with the U.S.
Postal Service as First
Class Mail in an envelope
addressed to: ASSISTANT
COMMISSIONER FOR PATENTS
WASHINGTON D.C. 20231, on

March 16, 1998

Thomas Quinones
Name of Person Signing

Signature of Person Signing